

AMENDED IN ASSEMBLY AUGUST 17, 2009

AMENDED IN SENATE MAY 12, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 597

Introduced by Senator Liu

February 27, 2009

~~An act to amend Sections 11460 and 16119 of, and to add Section 16010.2 to, the Welfare and Institutions Code, relating to services for children. An act to amend Section 8545 of the Family Code, and to amend Sections 4094, 11460, 16119, 16120.1, 16121, 16121.05, and 16501.1 of, and to add Section 16010.2 to, the Welfare and Institutions Code, relating to services for children.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 597, as amended, Liu. Child welfare services, foster care services, and adoption assistance.

(1) Existing law requires the State Department of Mental Health to establish, by regulations, no later than December 31, 1994, program standards for any facility licensed as a community treatment facility. Under existing law, until January 1, 2010, the department shall not require a community treatment facility that meets certain requirements to have 24-hour onsite licensed nursing staff.

This bill would extend applicability of the above provisions relating to onsite licensed nursing staff, to January 1, 2013.

(1)

(2) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children

in foster care. The program is funded by a combination of federal, state, and county funds. Under existing law, AFDC-FC benefits are available, with specified exceptions, on behalf of qualified children under 18 years of age. Moneys from the General Fund are continuously appropriated to pay for the state's share of AFDC-FC costs.

Existing law requires foster care providers to be paid a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them, and defines the term "care and supervision" for this purpose.

This bill would expand the definition of "care and supervision" to include costs for reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement.

(2)

(3) Under existing law, the case plan is the foundation and central unifying tool in child welfare services. The components of the case plan include, when appropriate, a written description of the programs and services that will help a child, consistent with the child's best interests, prepare for the transition from foster care to independent living, for a child who is 16 years of age or older.

Existing law requires, when a child is placed in foster care, that the child's case plan include a summary of the health and education information or records, including mental health information or records, of the child.

This bill would require the State Department of Social Services, in consultation with pediatricians, health care experts, and experts in and recipients of child welfare services, ~~and with the advice and assistance of the Child Welfare Council,~~ to develop a plan for the ongoing oversight and coordination of health care services for a child in a foster care placement, consistent with the federal act.

(3)

(4) Existing law provides for the Adoption Assistance Program (AAP), to be established and administered by the State Department of Social Services or the county, for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. The AAP provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

Under existing law, at the time application for adoption of a child who is potentially eligible for AAP benefits is made, and at the time

immediately prior to the finalization of the adoption decree, the department or the licensed adoption agency, whichever is appropriate, is required to provide the prospective adoptive family with designated information.

This bill would additionally require the department or licensed adoption agency to provide information regarding the federal adoption tax credit for any individual who is adopting or considering adopting a child in foster care, in accordance with the federal act.

Existing law relating to adoption defines a special needs child as a child whose adoption without financial assistance would be unlikely because of specified characteristics or circumstances of the child.

This bill would recast and revise the definition of a special needs child, and further would require the need for adoption subsidy to be evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance, except under specified circumstances. The bill would make related changes to existing adoption assistance provisions.

(5) Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services.

Existing law requires the case plan for a child 16 years of age or older to include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living, as specified.

This bill would require additional information pertaining to the child's transition to independent living to be provided in the 90-day period before the child attains 18 years of age, relating to, among other topics, housing, education, and employment services. By imposing additional duties upon each county, the bill would create a state-mandated local program.

(6) (a) This bill would incorporate additional changes in Section 16119 of the Welfare and Institutions Code, proposed by A.B. 154, to be operative only if A.B. 154 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

(b) This bill would incorporate additional changes in Section 16501.1 of the Welfare and Institutions Code, proposed by S.B. 118, to be operative only if S.B. 118 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

(7) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8545 of the Family Code is amended to*
2 *read:*

3 8545. “Special-needs child” means a child ~~whose adoption~~
4 ~~without financial assistance would be unlikely because of adverse~~
5 ~~parental background, ethnic background, race, color, language,~~
6 ~~membership in a sibling group that should remain intact, mental,~~
7 ~~physical, medical, or emotional handicaps, or age of three years~~
8 ~~or more, for whom all of the following are true:~~

9 (a) *It has been determined that the child cannot or should not*
10 *be returned to the home of his or her parents, as evidenced by a*
11 *petition for termination of parental rights, a court order*
12 *terminating parental rights, or a signed relinquishment.*

13 (b) *The child has at least one of the following characteristics*
14 *that is a barrier to his or her adoption:*

15 (1) *Adoptive placement without financial assistance is unlikely*
16 *because of membership in a sibling group that should remain*
17 *intact, or by virtue of race, ethnicity, color, language, age of three*
18 *years or older, or parental background of a medical or behavioral*
19 *nature that can be determined to adversely affect the development*
20 *of the child.*

21 (2) *Adoptive placement without financial assistance is unlikely*
22 *because the child has a mental, physical, emotional, or medical*
23 *disability that has been certified by a licensed professional*
24 *competent to make an assessment and operating within the scope*
25 *of his or her profession. This paragraph shall also apply to children*
26 *with a developmental disability as defined in subdivision (a) of*

1 *Section 4512, including those determined to require out-of-home*
2 *nonmedical care as described in Section 11464.*

3 *(c) The need for adoption subsidy is evidenced by an*
4 *unsuccessful search for an adoptive home to take the child without*
5 *financial assistance, as documented in the case file of the*
6 *prospective adoptive child. The requirement for this search shall*
7 *be waived when it would be against the best interest of the child*
8 *because of the existence of significant emotional ties with*
9 *prospective adoptive parents while in the care of these persons as*
10 *a foster child.*

11 *SEC. 2. Section 4094 of the Welfare and Institutions Code is*
12 *amended to read:*

13 4094. (a) The State Department of Mental Health shall
14 establish, by regulations adopted at the earliest possible date, but
15 no later than December 31, 1994, program standards for any facility
16 licensed as a community treatment facility. This section shall apply
17 only to community treatment facilities described in this subdivision.

18 (b) A certification of compliance issued by the State Department
19 of Mental Health shall be a condition of licensure for the
20 community treatment facility by the State Department of Social
21 Services. The department may, upon the request of a county,
22 delegate the certification and supervision of a community treatment
23 facility to the county department of mental health.

24 (c) The State Department of Mental Health shall adopt
25 regulations to include, but not be limited to, the following:

26 (1) Procedures by which the Director of Mental Health shall
27 certify that a facility requesting licensure as a community treatment
28 facility pursuant to Chapter 3 (commencing with Section 1500) of
29 Division 2 of the Health and Safety Code is in compliance with
30 program standards established pursuant to this section.

31 (2) Procedures by which the Director of Mental Health shall
32 deny a certification to a facility or decertify a facility that is
33 licensed as a community treatment facility pursuant to Chapter 3
34 (commencing with Section 1500) of Division 2 of the Health and
35 Safety Code, but no longer complying with program standards
36 established pursuant to this section, in accordance with Chapter 5
37 (commencing with Section 11500) of Part 1 of Division 3 of Title
38 2 of the Government Code.

1 (3) Provisions for site visits by the State Department of Mental
2 Health for the purpose of reviewing a facility's compliance with
3 program standards established pursuant to this section.

4 (4) Provisions for the community care licensing staff of the
5 State Department of Social Services to report to the State
6 Department of Mental Health when there is reasonable cause to
7 believe that a community treatment facility is not in compliance
8 with program standards established pursuant to this section.

9 (5) Provisions for the State Department of Mental Health to
10 provide consultation and documentation to the State Department
11 of Social Services in any administrative proceeding regarding
12 denial, suspension, or revocation of a community treatment facility
13 license.

14 (d) The standards adopted by regulations pursuant to subdivision
15 (a) shall include, but not be limited to, standards for treatment,
16 staffing, and for the use of psychotropic medication, discipline,
17 and restraints in the facilities. The standards shall also meet the
18 requirements of Section 4094.5.

19 (e) (1) Until January 1, ~~2010~~ 2013, all of the following are
20 applicable:

21 (A) A community treatment facility shall not be required by the
22 State Department of Mental Health to have 24-hour onsite licensed
23 nursing staff, but shall retain at least one full-time, or
24 full-time-equivalent, registered nurse onsite if both of the following
25 are applicable:

26 (i) The facility does not use mechanical restraint.

27 (ii) The facility only admits children who have been assessed,
28 at the point of admission, by a licensed primary care provider and
29 a licensed psychiatrist, who have concluded, with respect to each
30 child, that the child does not require medical services that require
31 24-hour nursing coverage. For purposes of this section, a "primary
32 care provider" includes a person defined in Section 14254, or a
33 nurse practitioner who has the responsibility for providing initial
34 and primary care to patients, for maintaining the continuity of care,
35 and for initiating referral for specialist care.

36 (B) Other medical or nursing staff shall be available on call to
37 provide appropriate services, when necessary, within one hour.

38 (C) All direct care staff shall be trained in first aid and
39 cardiopulmonary resuscitation, and in emergency intervention

1 techniques and methods approved by the Community Care
2 Licensing Division of the State Department of Social Services.

3 (2) The State Department of Mental Health may adopt
4 emergency regulations as necessary to implement this subdivision.
5 The adoption of these regulations shall be deemed to be an
6 emergency and necessary for the immediate preservation of the
7 public peace, health and safety, and general welfare. The
8 regulations shall be exempt from review by the Office of
9 Administrative Law and shall become effective immediately upon
10 filing with the Secretary of State. The regulations shall not remain
11 in effect more than 180 days unless the adopting agency complies
12 with all the provisions of Chapter 3.5 (commencing with Section
13 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
14 as required by subdivision (e) of Section 11346.1 of the
15 Government Code.

16 (f) During the initial public comment period for the adoption
17 of the regulations required by this section, the community care
18 facility licensing regulations proposed by the State Department of
19 Social Services and the program standards proposed by the State
20 Department of Mental Health shall be presented simultaneously.

21 (g) A minor shall be admitted to a community treatment facility
22 only if the requirements of Section 4094.5 and either of the
23 following conditions are met:

24 (1) The minor is within the jurisdiction of the juvenile court,
25 and has made voluntary application for mental health services
26 pursuant to Section 6552.

27 (2) Informed consent is given by a parent, guardian, conservator,
28 or other person having custody of the minor.

29 (h) Any minor admitted to a community treatment facility shall
30 have the same due process rights afforded to a minor who may be
31 admitted to a state hospital, pursuant to the holding in *In re Roger*
32 *S.* (1977) 19 Cal.3d 921. Minors who are wards or dependents of
33 the court and to whom this subdivision applies shall be afforded
34 due process in accordance with Section 6552 and related case law,
35 including *In re Michael E.* (1975) 15 Cal.3d 183. Regulations
36 adopted pursuant to Section 4094 shall specify the procedures for
37 ensuring these rights, including provisions for notification of rights
38 and the time and place of hearings.

39 (i) Notwithstanding Section 13340 of the Government Code,
40 the sum of forty-five thousand dollars (\$45,000) is hereby

1 appropriated annually from the General Fund to the State
2 Department of Mental Health for one personnel year to carry out
3 the provisions of this section.

4 ~~SECTION 1.~~

5 *SEC. 3.* Section 11460 of the Welfare and Institutions Code is
6 amended to read:

7 11460. (a) Foster care providers shall be paid a per child per
8 month rate in return for the care and supervision of the AFDC-FC
9 child placed with them. The department is designated the single
10 organizational unit whose duty it shall be to administer a state
11 system for establishing rates in the AFDC-FC program. State
12 functions shall be performed by the department or by delegation
13 of the department to county welfare departments or Indian tribes
14 that have entered into an agreement pursuant to Section 10553.1.

15 (b) "Care and supervision" includes food, clothing, shelter, daily
16 supervision, school supplies, a child's personal incidentals, liability
17 insurance with respect to a child, reasonable travel to the child's
18 home for visitation, and costs for reasonable travel for the child
19 to remain in the school in which he or she is enrolled at the time
20 of placement.

21 (1) For a child placed in a group home, care and supervision
22 shall also include reasonable administration and operational
23 activities necessary to provide the items listed in this subdivision.

24 (2) For a child placed in a group home, care and supervision
25 may also include reasonable activities performed by social workers
26 employed by the group home provider which are not otherwise
27 considered daily supervision or administration activities.

28 (c) It is the intent of the Legislature to establish the maximum
29 level of state participation in out-of-state foster care group home
30 program rates effective January 1, 1992.

31 (1) The department shall develop regulations that establish the
32 method for determining the level of state participation for each
33 out-of-state group home program. The department shall consider
34 all of the following methods:

35 (A) A standardized system based on the level of care and
36 services per child per month as detailed in Section 11462.

37 (B) A system which considers the actual allowable and
38 reasonable costs of care and supervision incurred by the program.

39 (C) A system which considers the rate established by the host
40 state.

1 (D) Any other appropriate methods as determined by the
2 department.

3 (2) State reimbursement for the AFDC-FC group home rate to
4 be paid to an out-of-state program on or after January 1, 1992,
5 shall only be paid to programs which have done both of the
6 following:

7 (A) Submitted a rate application to the department and received
8 a determination of the level of state participation.

9 (i) The level of state participation shall not exceed the current
10 fiscal year's standard rate for rate classification level 14.

11 (ii) The level of state participation shall not exceed the rate
12 determined by the ratesetting authority of the state in which the
13 facility is located.

14 (iii) The level of state participation shall not decrease for any
15 child placed prior to January 1, 1992, who continues to be placed
16 in the same out-of-state group home program.

17 (B) Agreed to comply with information requests, and program
18 and fiscal audits as determined necessary by the department.

19 (3) State reimbursement for an AFDC-FC rate paid on or after
20 January 1, 1993, shall only be paid to a group home organized and
21 operated on a nonprofit basis.

22 (d) A foster care provider that accepts payments, following the
23 effective date of this section, based on a rate established under this
24 section, shall not receive rate increases or retroactive payments as
25 the result of litigation challenging rates established prior to the
26 effective date of this section. This shall apply regardless of whether
27 a provider is a party to the litigation or a member of a class covered
28 by the litigation.

29 (e) Nothing shall preclude a county from using a portion of its
30 county funds to increase rates paid to family homes and foster
31 family agencies within that county, and to make payments for
32 specialized care increments, clothing allowances, or infant
33 supplements to homes within that county, solely at that county's
34 expense.

35 ~~SEC. 2.~~

36 *SEC. 4.* Section 16010.2 is added to the Welfare and Institutions
37 Code, to read:

38 16010.2. The department, in consultation with pediatricians,
39 other health care experts, and experts in and recipients of child
40 welfare services, and with the advice and assistance of the Child

1 ~~Welfare Council~~ *welfare services*, shall develop a plan for the
2 ongoing oversight and coordination of health care services for a
3 child in a foster care placement. The plan shall ensure a coordinated
4 strategy to identify and respond to the health care needs of foster
5 children, including mental health and dental needs, consistent with
6 Section 205 of the federal Fostering Connections to Success and
7 Increasing Adoptions Act of 2008 (Public Law 110-351).

8 ~~SEC. 3.~~

9 *SEC. 5.* Section 16119 of the Welfare and Institutions Code is
10 amended to read:

11 16119. (a) At the time application for adoption of a child who
12 is potentially eligible for Adoption Assistance Program benefits
13 is made, and at the time immediately prior to the finalization of
14 the adoption decree, the department or the licensed adoption
15 agency, whichever is appropriate, shall provide the prospective
16 adoptive family with information, in writing, on the availability
17 of Adoption Assistance Program benefits, with an explanation of
18 the difference between these benefits and foster care payments.
19 The department or the licensed adoption agency shall also provide
20 the prospective adoptive family with information, in writing, on
21 the availability of reimbursement for the nonrecurring expenses
22 incurred in the adoption of the Adoption Assistance Program
23 eligible child. The department or licensed adoption agency shall
24 also provide the prospective adoptive family with information on
25 the availability of mental health services through the Medi-Cal
26 program or other programs. The department or licensed adoption
27 agency shall also provide information regarding the federal
28 adoption tax credit for any individual who is adopting or
29 considering adopting a child in foster care, in accordance with
30 Section 403 of the federal Fostering Connections to Success and
31 Increasing Adoptions Act of 2008 (Public Law 110-351).

32 (b) The department or the licensed agency shall encourage
33 families that elect not to sign an adoption assistance agreement to
34 sign a deferred adoption assistance agreement.

35 (c) The department or the county, whichever is responsible for
36 determining the child's eligibility for the Adoption Assistance
37 Program, shall assess the needs of the child and the circumstances
38 of the family.

39 (d) (1) The amount of an adoption assistance cash benefit, if
40 any, shall be a negotiated amount based upon the needs of the child

1 and the circumstances of the family. There shall be no means test
2 used to determine an adoptive family's eligibility for the Adoption
3 Assistance Program, *or the amount of adoption assistance*
4 *payments*. In those instances where an otherwise eligible child
5 does not require a cash benefit, Medi-Cal eligibility may be
6 established for the child, as needed.

7 (2) For purposes of paragraph (1), "circumstances of the family"
8 includes the family's ability to incorporate the child into the
9 household in relation to the lifestyle, standard of living, and future
10 plans and to the overall capacity to meet the immediate and future
11 plans and needs, including education, of the child.

12 (e) The department or the licensed adoption agency shall inform
13 the prospective adoptive family regarding the county responsible
14 for providing financial aid to the adoptive family in an amount
15 determined pursuant to Sections 16120 and 16120.1.

16 (f) The department or the licensed adoption agency shall inform
17 the prospective adoptive family that the adoptive parents will
18 continue to receive benefits in the agreed upon amount unless one
19 of the following occurs:

20 (1) The department determines that the adoptive parents are no
21 longer legally responsible for the support of the child.

22 (2) The department determines that the child is no longer
23 receiving support from the adoptive family.

24 (3) The adoption assistance payment exceeds the amount that
25 the child would have been eligible for in a licensed foster home.

26 (4) The adoptive parents demonstrate a need for an increased
27 payment.

28 (5) The adoptive parents voluntarily reduce or terminate
29 payments.

30 (6) The adopted child has an extraordinary need that was not
31 anticipated at the time the amount of the adoption assistance was
32 originally negotiated.

33 *SEC. 5.5. Section 16119 of the Welfare and Institutions Code*
34 *is amended to read:*

35 16119. (a) At the time application for adoption of a child who
36 is potentially eligible for Adoption Assistance Program benefits
37 is made, and at the time immediately prior to the finalization of
38 the adoption decree, the department or the licensed adoption
39 agency, whichever is appropriate, shall provide the prospective
40 adoptive family with information, in writing, on the availability

1 of Adoption Assistance Program benefits, with an explanation of
2 the difference between these benefits and foster care payments.
3 The department or the licensed adoption agency shall also provide
4 the prospective adoptive family with information, in writing, on
5 the availability of reimbursement for the nonrecurring expenses
6 incurred in the adoption of the Adoption Assistance Program
7 eligible child. The department or licensed adoption agency shall
8 also provide the prospective adoptive family with information on
9 the availability of mental health services through the Medi-Cal
10 program or other programs. *The department or licensed adoption*
11 *agency shall also provide information regarding the federal*
12 *adoption tax credit for any individual who is adopting or*
13 *considering adopting a child in foster care, in accordance with*
14 *Section 403 of the federal Fostering Connections to Success and*
15 *Increasing Adoptions Act of 2008 (Public Law 110-351).*

16 (b) The department or the licensed agency shall encourage
17 families that elect not to sign an adoption assistance agreement to
18 sign a deferred adoption assistance agreement.

19 (c) The department or the county, whichever is responsible for
20 determining the child's eligibility for the Adoption Assistance
21 Program, shall assess the needs of the child and the circumstances
22 of the family.

23 (d) (1) The amount of an adoption assistance cash benefit, if
24 any, shall be a negotiated amount based upon the needs of the child
25 and the circumstances of the family. There shall be no means test
26 used to determine an adoptive family's eligibility for the Adoption
27 Assistance Program, *or the amount of adoption assistance*
28 *payments.* In those instances where an otherwise eligible child
29 does not require a cash benefit, Medi-Cal eligibility may be
30 established for the child, as needed.

31 (2) For purposes of paragraph (1), "circumstances of the family"
32 includes the family's ability to incorporate the child into the
33 household in relation to the lifestyle, standard of living, and future
34 plans and to the overall capacity to meet the immediate and future
35 plans and needs, including education, of the child.

36 (e) The department or the licensed adoption agency shall inform
37 the prospective adoptive family regarding the county responsible
38 for providing financial aid to the adoptive family in an amount
39 determined pursuant to Sections 16120 and 16120.1.

1 (f) The department or the licensed adoption agency shall inform
2 the prospective adoptive family that the adoptive parents will
3 continue to receive benefits in the agreed upon amount unless one
4 of the following occurs:

5 (1) The department determines that the adoptive parents are no
6 longer legally responsible for the support of the child.

7 (2) The department determines that the child is no longer
8 receiving support from the adoptive family.

9 (3) The adoption assistance payment exceeds the amount that
10 the child would have been eligible for in a licensed foster home.

11 (4) The adoptive parents demonstrate a need for an increased
12 payment.

13 (5) The adoptive parents voluntarily reduce or terminate
14 payments.

15 (6) The adopted child has an extraordinary need that was not
16 anticipated at the time the amount of the adoption assistance was
17 originally negotiated.

18 (g) *The department or licensed adoption agency shall inform*
19 *the prospective adoptive family of their potential eligibility for a*
20 *federal tax credit under Section 23 of the Internal Revenue Code*
21 *of 1986 (26 U.S.C. Sec. 23) and a state tax credit under Section*
22 *17052.25 of the Revenue and Taxation Code.*

23 SEC. 6. *Section 16120.1 of the Welfare and Institutions Code*
24 *is amended to read:*

25 16120.1. Upon the authorization of the department or, where
26 appropriate, the county responsible for determining the child's
27 Adoption Assistance Program eligibility status and for providing
28 financial aid, the responsible county shall directly reimburse
29 eligible individuals for reasonable nonrecurring expenses, as
30 defined by the department, incurred as a result of the adoption of
31 ~~a child eligible for the Adoption Assistance Program~~ *special needs*
32 *child, as defined in subdivisions (a) to (c), inclusive, and*
33 *subdivision (l), of Section 16120.* The state shall provide payment
34 to the county for the reimbursement. Reimbursements shall
35 conform to the eligibility criteria and claiming procedures
36 established by the department and shall be subject to the following
37 conditions:

38 (a) The amount of the payment shall be determined through
39 agreement between the adopting parent or parents and the
40 department or the county responsible for determining the child's

1 Adoption Assistance Program eligibility status and for providing
2 financial aid. The agreement shall indicate the nature and the
3 amount of the nonrecurring expenses to be paid. Payments shall
4 be limited to an amount not to exceed four hundred dollars (\$400)
5 for each placement eligible for the Adoption Assistance Program.

6 (b) There shall be no income eligibility requirement for an
7 adoptive parent or adoptive parents in determining whether
8 payments for nonrecurring expenses shall be made.

9 (c) Reimbursement for nonrecurring expenses shall be limited
10 to costs incurred by or on behalf of an adoptive parent or adoptive
11 parents that are not reimbursed from other sources. No payments
12 shall be made under this section if the federal program for
13 reimbursement of nonrecurring expenses for the adoption of
14 children eligible for the Adoption Assistance Program pursuant to
15 Section 673 of Title 42 of the United States Code is terminated.

16 (d) Reimbursement for nonrecurring expenses shall be in
17 addition to any adoption expenses paid pursuant to Section 16121
18 and shall not be included in the computation of maximum benefits
19 for which the adoptive family is eligible pursuant to Section 16121.

20 *SEC. 7. Section 16121 of the Welfare and Institutions Code is*
21 *amended to read:*

22 16121. (a) In accordance with the adoption assistance
23 agreement, the adoptive family shall be paid an amount of aid
24 based on the child's needs otherwise covered in AFDC-FC
25 payments and the circumstance of the adopting parents but that
26 shall not exceed the foster care maintenance payment that would
27 have been paid based on the age related state-approved foster
28 family home care rate, and any applicable specialized care
29 increment, for a child placed in a licensed or approved family home
30 pursuant to subdivisions (a) to (d), inclusive, of Section 11461.
31 This subdivision shall only apply to adoption assistance agreements
32 executed before January 1, 2010.

33 (1) Notwithstanding any other provision of this section, for
34 adoption assistance agreements executed on or after January 1,
35 2010, the adoptive family shall be paid an amount of aid based on
36 the child's needs otherwise covered in AFDC-FC payments and
37 the circumstance of the adopting parents, but that amount shall not
38 exceed the foster care maintenance payment, and any applicable
39 specialized care increment, that the child received while placed in

1 a licensed or approved family home pursuant to subdivisions (a)
2 to (d), inclusive, of Section 11461.

3 (2) For adoption assistance agreements executed on or after
4 January 1, 2010, adoption assistance benefits shall not be increased
5 based on age, as occurs for foster family homes pursuant to
6 subdivisions (a) to (d), inclusive, of Section 11461. This paragraph
7 shall not preclude any reassessments of the child's needs, consistent
8 with other provisions of this chapter.

9 ~~(3)~~

10 (b) Payment may be made on behalf of an otherwise eligible
11 child in a state-approved group home or residential care treatment
12 facility if the department or county responsible for determining
13 payment has confirmed that the placement is necessary for the
14 temporary resolution of mental or emotional problems related to
15 a condition that existed prior to the adoptive placement.
16 Out-of-home placements shall be in accordance with the applicable
17 provisions of Chapter 3 (commencing with Section 1500) of
18 Division 2 of the Health and Safety Code and other applicable
19 statutes and regulations governing eligibility for AFDC-FC
20 payments for placements in in-state and out-of-state facilities. The
21 designation of the placement facility shall be made after
22 consultation with the family by the department or county welfare
23 agency responsible for determining the Adoption Assistance
24 Program (AAP) eligibility and authorizing financial aid. Group
25 home or residential placement shall only be made as part of a plan
26 for return of the child to the adoptive family, that shall actively
27 participate in the plan. Adoption Assistance Program benefits ~~shall~~
28 ~~not~~ *may* be authorized for payment ~~of~~ *for* an eligible child's group
29 home or residential treatment facility placement ~~that exceeds an~~
30 ~~18-month cumulative period of time for a specific episode or~~
31 ~~condition justifying that placement~~ *if the placement is justified by*
32 *a specific episode or condition and does not exceed an 18-month*
33 *cumulative period of time. After an initial authorized group home*
34 *or residential treatment facility placement, subsequent*
35 *authorizations for payment for a group home or residential*
36 *treatment facility placement may be based on an eligible child's*
37 *subsequent specific episodes or conditions.*

38 (c) (1) Payments on behalf of a child who is a recipient of AAP
39 benefits who is also a consumer of regional center services shall
40 be based on the rates established by the State Department of Social

1 Services pursuant to Section 11464 and subject to the process
2 described in paragraph (1) of subdivision (d) of Section 16119.

3 (2) (A) Except as provided for in subparagraph (B), this
4 subdivision shall apply to adoption assistance agreements signed
5 on or after July 1, 2007.

6 (B) Rates paid on behalf of regional center consumers who are
7 recipients of AAP benefits and for whom an adoption assistance
8 agreement was executed before July 1, 2007, shall remain in effect,
9 and may only be changed in accordance with Section 16119.

10 (i) If the rates paid pursuant to adoption assistance agreements
11 executed before July 1, 2007, are lower than the rates specified in
12 paragraph (1) of subdivision (c) or paragraph (1) of subdivision
13 (d) of Section 11464, respectively, those rates shall be increased,
14 as appropriate and in accordance Section 16119, to the amount set
15 forth in paragraph (1) of subdivision (c) or paragraph (1) of
16 subdivision (d) of Section 11464, effective July 1, 2007. Once set,
17 the rates shall remain in effect and may only be changed in
18 accordance with Section 16119.

19 (ii) For purposes of this clause, for a child who is a recipient of
20 AAP benefits or for whom the execution of an AAP agreement is
21 pending, and who has been deemed eligible for or has sought an
22 eligibility determination for regional center services pursuant to
23 subdivision (a) of Section 4512, and for whom a determination of
24 eligibility for those regional center services has been made, and
25 for whom, prior to July 1, 2007, a maximum rate determination
26 has been requested and is pending, the rate shall be determined
27 through an individualized assessment and pursuant to subparagraph
28 (C) of paragraph (1) of subdivision (c) of Section 35333 of Title
29 22 of the California Code of Regulations as in effect on January
30 1, 2007, or the rate established in subdivision (b) of Section 11464,
31 whichever is greater. Once the rate has been set, it shall remain in
32 effect and may only be changed in accordance with Section 16119.
33 Other than the circumstances described in this clause, regional
34 centers shall not make maximum rate benefit determinations for
35 the AAP.

36 (3) Regional centers shall separately purchase or secure the
37 services contained in the child's IFSP or IPP, pursuant to Section
38 4684.

39 (4) Regulations adopted by the department pursuant to this
40 subdivision shall be adopted as emergency regulations in

1 accordance with Chapter 3.5 (commencing with Section 11340)
2 of Part 1 of Division 3 of Title 2 of the Government Code, and for
3 the purposes of that chapter, including Section 11349.6 of the
4 Government Code, the adoption of these regulations is an
5 emergency and shall be considered by the Office of Administrative
6 Law as necessary for the immediate preservation of the public
7 peace, health, safety, and general welfare. The regulations
8 authorized by this paragraph shall remain in effect for no more
9 than 180 days, by which time final regulations shall be adopted.

10 (d) (1) In the event that a family signs an adoption assistance
11 agreement where a cash benefit is not awarded, the adopting family
12 shall be otherwise eligible to receive Medi-Cal benefits for the
13 child if it is determined that the benefits are needed pursuant to
14 this chapter.

15 (2) Regional centers shall separately purchase or secure the
16 services that are contained in the child's Individualized Family
17 Service Plan (IFSP) or Individual Program Plan (IPP) pursuant to
18 Section 4684.

19 (e) Subdivisions (a), (b), and (d) shall apply only to adoption
20 assistance agreements signed on or after October 1, 1992.

21 (f) This section shall supersede the requirements of subparagraph
22 (C) of paragraph (1) of Section 35333 of Title 22 of the California
23 Code of Regulations.

24 *SEC. 8. Section 16121.05 of the Welfare and Institutions Code*
25 *is amended to read:*

26 16121.05. (a) The department may recover any overpayments
27 of financial assistance under the Adoption Assistance Program,
28 and shall develop regulations that establish the means to recoup
29 them, including an appropriate notice of action and appeal rights,
30 when the department determines either of the following applies:

31 (1) The adoptive parents are no longer legally responsible for
32 the support of the child.

33 (2) The child is no longer receiving support from the adoptive
34 family.

35 (3) The adoptive family has committed fraud in its application
36 for, or reassessment of, the adoption assistance.

37 (b) Children on whose behalf an adoption assistance agreement
38 had been executed prior to October 1, 1992, shall continue to
39 receive adoption assistance in accordance with the terms of that
40 agreement.

(c) Payment shall begin on or after the effective date of an adoption assistance agreement, or a deferred adoption assistance agreement, or a final decree of adoption, provided that the adoption assistance agreement has been signed by all required parties prior to or at the time the adoption decree is issued by the court. *The amount and duration of assistance shall not be changed without the concurrence of the adoptive parents, unless any of the following has occurred:*

(1) *The child has attained 18 years of age, or 21 years of age where the child has a mental or physical disability that warrants the continuation of assistance.*

(2) *The adoptive parents are no longer legally responsible for the support of the child.*

(3) *The child is no longer receiving any support from adoptive parents.*

~~(d) Children on whose behalf an aid for adoption of children agreement had been executed prior to October 1, 1982, shall continue to receive aid for adoption of children benefits in accordance with the terms of that agreement. This aid for adoption of children agreement may be renewed, provided that total benefits do not exceed five years. Prior to the end of the five-year period, if there is a continuing need related to a chronic health condition of the child that necessitated the initial financial assistance, the time period for which it may be given shall be determined by the department or the agency, but shall not extend past the time that the child reaches 18 years of age. Prior to the expiration of the extension period, if there is a continuing need, a parent may petition the department or the designated licensed adoption agency for a new period of termination. The department or the agency shall make its determination regarding the financial ability of the parents to meet the continuing medical needs of the child's health condition at the time of adoption, taking into consideration community resources.~~

SEC. 9. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care

1 and case management, and that services are provided to the child
2 and parents or other caretakers, as appropriate, in order to improve
3 conditions in the parent's home, to facilitate the safe return of the
4 child to a safe home or the permanent placement of the child, and
5 to address the needs of the child while in foster care.

6 (b) (1) A case plan shall be based upon the principles of this
7 section and shall document that a preplacement assessment of the
8 service needs of the child and family, and preplacement preventive
9 services, have been provided, and that reasonable efforts to prevent
10 out-of-home placement have been made.

11 (2) In determining the reasonable services to be offered or
12 provided, the child's health and safety shall be the paramount
13 concerns.

14 (3) Reasonable services shall be offered or provided to make it
15 possible for a child to return to a safe home environment, unless,
16 pursuant to subdivisions (b) and (e) of Section 361.5, the court
17 determines that reunification services shall not be provided.

18 (4) If reasonable services are not ordered, or are terminated,
19 reasonable efforts shall be made to place the child in a timely
20 manner in accordance with the permanent plan and to complete
21 all steps necessary to finalize the permanent placement of the child.

22 (c) (1) If out-of-home placement is used to attain case plan
23 goals, the decision regarding choice of placement shall be based
24 upon selection of a safe setting that is the least restrictive or most
25 familylike and the most appropriate setting that is available and
26 in close proximity to the parent's home, proximity to the child's
27 school, consistent with the selection of the environment best suited
28 to meet the child's special needs and best interests, or both. The
29 selection shall consider, in order of priority, placement with
30 relatives, tribal members, and foster family, group care, and
31 residential treatment pursuant to Section 7950 of the Family Code.

32 (2) In addition to the requirements of paragraph (1), and taking
33 into account other statutory considerations regarding placement,
34 the selection of the most appropriate home that will meet the child's
35 special needs and best interests shall also promote educational
36 stability by taking into consideration proximity to the child's school
37 attendance area.

38 (d) A written case plan shall be completed within a maximum
39 of 60 days of the initial removal of the child or of the in-person
40 response required under subdivision (f) of Section 16501 if the

1 child has not been removed from his or her home, or by the date
2 of the dispositional hearing pursuant to Section 358, whichever
3 occurs first. The case plan shall be updated, as the service needs
4 of the child and family dictate. At a minimum, the case plan shall
5 be updated in conjunction with each status review hearing
6 conducted pursuant to Section 366.21, and the hearing conducted
7 pursuant to Section 366.26, but no less frequently than once every
8 six months. Each updated case plan shall include a description of
9 the services that have been provided to the child under the plan
10 and an evaluation of the appropriateness and effectiveness of those
11 services.

12 (1) It is the intent of the Legislature that extending the maximum
13 time available for preparing a written case plan from 30 to 60 days
14 will afford caseworkers time to actively engage families, and to
15 solicit and integrate into the case plan the input of the child and
16 the child's family, as well as the input of relatives and other
17 interested parties.

18 (2) The extension of the maximum time available for preparing
19 a written case plan from the 30 to 60 days shall be effective 90
20 days after the date that the department gives counties written notice
21 that necessary changes have been made to the Child Welfare
22 Services Case Management System to account for the 60-day
23 timeframe for preparing a written case plan.

24 (e) The child welfare services case plan shall be comprehensive
25 enough to meet the juvenile court dependency proceedings
26 requirements pursuant to Article 6 (commencing with Section 300)
27 of Chapter 2 of Part 1 of Division 2.

28 (f) The case plan shall be developed as follows:

29 (1) The case plan shall be based upon an assessment of the
30 circumstances that required child welfare services intervention.
31 The child shall be involved in developing the case plan as age and
32 developmentally appropriate.

33 (2) The case plan shall identify specific goals and the
34 appropriateness of the planned services in meeting those goals.

35 (3) The case plan shall identify the original allegations of abuse
36 or neglect, as defined in Article 2.5 (commencing with Section
37 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
38 conditions cited as the basis for declaring the child a dependent of
39 the court pursuant to Section 300, or all of these, and the other

1 precipitating incidents that led to child welfare services
2 intervention.

3 (4) The case plan shall include a description of the schedule of
4 the social worker contacts with the child and the family or other
5 caretakers. The frequency of these contacts shall be in accordance
6 with regulations adopted by the State Department of Social
7 Services. If the child has been placed in foster care out of state,
8 the county social worker or a social worker on the staff of the
9 social services agency in the state in which the child has been
10 placed shall visit the child in a foster family home or the home of
11 a relative, consistent with federal law and in accordance with the
12 department's approved state plan. For children in out-of-state group
13 home facilities, visits shall be conducted at least monthly, pursuant
14 to Section 16516.5. At least once every six months, at the time of
15 a regularly scheduled social worker contact with the foster child,
16 the child's social worker shall inform the child of his or her rights
17 as a foster child, as specified in Section 16001.9. The social worker
18 shall provide the information to the child in a manner appropriate
19 to the age or developmental level of the child.

20 (5) (A) When out-of-home services are used, the frequency of
21 contact between the natural parents or legal guardians and the child
22 shall be specified in the case plan. The frequency of those contacts
23 shall reflect overall case goals, and consider other principles
24 outlined in this section.

25 (B) Information regarding any court-ordered visitation between
26 the child and the natural parents or legal guardians, and the terms
27 and conditions needed to facilitate the visits while protecting the
28 safety of the child, shall be provided to the child's out-of-home
29 caregiver as soon as possible after the court order is made.

30 (6) When out-of-home placement is made, the case plan shall
31 include provisions for the development and maintenance of sibling
32 relationships as specified in subdivisions (b), (c), and (d) of Section
33 16002. If appropriate, when siblings who are dependents of the
34 juvenile court are not placed together, the social worker for each
35 child, if different, shall communicate with each of the other social
36 workers and ensure that the child's siblings are informed of
37 significant life events that occur within their extended family.
38 Unless it has been determined that it is inappropriate in a particular
39 case to keep siblings informed of significant life events that occur
40 within the extended family, the social worker shall determine the

1 appropriate means and setting for disclosure of this information
2 to the child commensurate with the child's age and emotional
3 well-being. These significant life events shall include, but shall
4 not be limited to, the following:

5 (A) The death of an immediate relative.

6 (B) The birth of a sibling.

7 (C) Significant changes regarding a dependent child, unless the
8 child objects to the sharing of the information with his or her
9 siblings, including changes in placement, major medical or mental
10 health diagnoses, treatments, or hospitalizations, arrests, and
11 changes in the permanent plan.

12 (7) If out-of-home placement is made in a foster family home,
13 group home, or other child care institution that is either a
14 substantial distance from the home of the child's parent or out of
15 state, the case plan shall specify the reasons why that placement
16 is in the best interest of the child. When an out-of-state group home
17 placement is recommended or made, the case plan shall, in
18 addition, specify compliance with Section 7911.1 of the Family
19 Code.

20 (8) Effective January 1, 2010, a case plan shall ensure the
21 educational stability of the child while in foster care and shall
22 include both of the following:

23 (A) An assurance that the placement takes into account the
24 appropriateness of the current educational setting and the proximity
25 to the school in which the child is enrolled at the time of placement.

26 (B) An assurance that the placement agency has coordinated
27 with appropriate local educational agencies to ensure that the child
28 remains in the school in which the child is enrolled at the time of
29 placement, or, if remaining in that school is not in the best interests
30 of the child, assurances by the placement agency and the local
31 educational agency to provide immediate and appropriate
32 enrollment in a new school and to provide all of the child's
33 educational records to the new school.

34 (9) (A) If out-of-home services are used, or if parental rights
35 have been terminated and the case plan is placement for adoption,
36 the case plan shall include a recommendation regarding the
37 appropriateness of unsupervised visitation between the child and
38 any of the child's siblings. This recommendation shall include a
39 statement regarding the child's and the siblings' willingness to
40 participate in unsupervised visitation. If the case plan includes a

1 recommendation for unsupervised sibling visitation, the plan shall
2 also note that information necessary to accomplish this visitation
3 has been provided to the child or to the child's siblings.

4 (B) Information regarding the schedule and frequency of the
5 visits between the child and siblings, as well as any court-ordered
6 terms and conditions needed to facilitate the visits while protecting
7 the safety of the child, shall be provided to the child's out-of-home
8 caregiver as soon as possible after the court order is made.

9 (10) If out-of-home services are used and the goal is
10 reunification, the case plan shall describe the services to be
11 provided to assist in reunification and the services to be provided
12 concurrently to achieve legal permanency if efforts to reunify fail.
13 The plan shall also consider in-state and out-of-state placements,
14 the importance of developing and maintaining sibling relationships
15 pursuant to Section 16002, and the desire and willingness of the
16 caregiver to provide legal permanency for the child if reunification
17 is unsuccessful.

18 (11) If out-of-home services are used, the child has been in care
19 for at least 12 months, and the goal is not adoptive placement, the
20 case plan shall include documentation of the compelling reason
21 or reasons why termination of parental rights is not in the child's
22 best interest. A determination completed or updated within the
23 past 12 months by the department when it is acting as an adoption
24 agency or by a licensed adoption agency that it is unlikely that the
25 child will be adopted, or that one of the conditions described in
26 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
27 be deemed a compelling reason.

28 (12) (A) Parents and legal guardians shall have an opportunity
29 to review the case plan, and to sign it whenever possible, and then
30 shall receive a copy of the plan. In any voluntary service or
31 placement agreement, the parents or legal guardians shall be
32 required to review and sign the case plan. Whenever possible,
33 parents and legal guardians shall participate in the development
34 of the case plan.

35 (B) Parents and legal guardians shall be advised that, pursuant
36 to Section 1228.1 of the Evidence Code, neither their signature on
37 the child welfare services case plan nor their acceptance of any
38 services prescribed in the child welfare services case plan shall
39 constitute an admission of guilt or be used as evidence against the
40 parent or legal guardian in a court of law. However, they shall also

1 be advised that the parent's or guardian's failure to cooperate,
2 except for good cause, in the provision of services specified in the
3 child welfare services case plan may be used in any hearing held
4 pursuant to Section 366.21 or 366.22 as evidence.

5 (13) A child shall be given a meaningful opportunity to
6 participate in the development of the case plan and state his or her
7 preference for foster care placement. A child who is 12 years of
8 age or older and in a permanent placement shall also be given the
9 opportunity to review the case plan, sign the case plan, and receive
10 a copy of the case plan.

11 (14) The case plan shall be included in the court report and shall
12 be considered by the court at the initial hearing and each review
13 hearing. Modifications to the case plan made during the period
14 between review hearings need not be approved by the court if the
15 casework supervisor for that case determines that the modifications
16 further the goals of the plan. If out-of-home services are used with
17 the goal of family reunification, the case plan shall consider and
18 describe the application of subdivision (b) of Section 11203.

19 (15) If the case plan has as its goal for the child a permanent
20 plan of adoption or placement in another permanent home, it shall
21 include a statement of the child's wishes regarding their permanent
22 placement plan and an assessment of those stated wishes. The
23 agency shall also include documentation of the steps the agency
24 is taking to find an adoptive family or other permanent living
25 arrangements for the child; to place the child with an adoptive
26 family, an appropriate and willing relative, a legal guardian, or in
27 another planned permanent living arrangement; and to finalize the
28 adoption or legal guardianship. At a minimum, the documentation
29 shall include child-specific recruitment efforts, such as the use of
30 state, regional, and national adoption exchanges, including
31 electronic exchange systems, when the child has been freed for
32 adoption.

33 (16) (A) When appropriate, for a child who is 16 years of age
34 or older, the case plan shall include a written description of the
35 programs and services that will help the child, consistent with the
36 child's best interests, prepare for the transition from foster care to
37 independent living. The case plan shall be developed with the child
38 and individuals identified as important to the child, and shall
39 include steps the agency is taking to ensure that the child has a
40 connection to a caring adult.

1 (B) During the 90-day period prior to the participant attaining
2 18 years of age or older as the state may elect under Section 475
3 (8)(B)(iii)(42 U.S.C. Sec. 675 (8)(B)(iii)) of the federal Social
4 Security Act, whether during that period foster care maintenance
5 payments are being made on the child's behalf or the child is
6 receiving benefits or services under Section 477 (42 U.S.C. Sec.
7 677) of the federal Social Security Act, a caseworker or other
8 appropriate agency staff or probation officer and other
9 representatives of the participant, as appropriate, shall address,
10 in the written transitional independent living plan, information as
11 detailed as the participant elects that shall include, but not be
12 limited to, options regarding housing, health insurance, education,
13 local opportunities for mentors and continuing support services,
14 and workforce supports and employment services.

15 (g) If the court finds, after considering the case plan, that
16 unsupervised sibling visitation is appropriate and has been
17 consented to, the court shall order that the child or the child's
18 siblings, the child's current caregiver, and the child's prospective
19 adoptive parents, if applicable, be provided with information
20 necessary to accomplish this visitation. This section does not
21 require or prohibit the social worker's facilitation, transportation,
22 or supervision of visits between the child and his or her siblings.

23 (h) The case plan documentation on sibling placements required
24 under this section shall not require modification of existing case
25 plan forms until the Child Welfare Services Case Management
26 System is implemented on a statewide basis.

27 (i) When a child who is 10 years of age or older and who has
28 been in out-of-home placement for six months or longer, the case
29 plan shall include an identification of individuals, other than the
30 child's siblings, who are important to the child and actions
31 necessary to maintain the child's relationship with those
32 individuals, provided that those relationships are in the best interest
33 of the child. The social worker shall ask every child who is 10
34 years of age or older and who has been in out-of-home placement
35 for six months or longer to identify individuals other than the
36 child's siblings who are important to the child, and may ask any
37 other child to provide that information, as appropriate. The social
38 worker shall make efforts to identify other individuals who are
39 important to the child, consistent with the child's best interests.

1 (j) The child's caregiver shall be provided a copy of a plan
2 outlining the child's needs and services.

3 (k) On or before June 30, 2008, the department, in consultation
4 with the County Welfare Directors Association and other
5 advocates, shall develop a comprehensive plan to ensure that 90
6 percent of foster children are visited by their caseworkers on a
7 monthly basis by October 1, 2011, and that the majority of the
8 visits occur in the residence of the child. The plan shall include
9 any data reporting requirements necessary to comply with the
10 provisions of the federal Child and Family Services Improvement
11 Act of 2006 (Public Law 109-288).

12 (l) The implementation and operation of the amendments to
13 subdivision (i) enacted at the 2005-06 Regular Session shall be
14 subject to appropriation through the budget process and by phase,
15 as provided in Section 366.35.

16 *SEC. 9.5. Section 16501.1 of the Welfare and Institutions Code*
17 *is amended to read:*

18 16501.1. (a) (1) The Legislature finds and declares that the
19 foundation and central unifying tool in child welfare services is
20 the case plan.

21 (2) The Legislature further finds and declares that a case plan
22 ensures that the child receives protection and safe and proper care
23 and case management, and that services are provided to the child
24 and parents or other caretakers, as appropriate, in order to improve
25 conditions in the parent's home, to facilitate the safe return of the
26 child to a safe home or the permanent placement of the child, and
27 to address the needs of the child while in foster care.

28 (b) (1) A case plan shall be based upon the principles of this
29 section and shall document that a preplacement assessment of the
30 service needs of the child and family, and preplacement preventive
31 services, have been provided, and that reasonable efforts to prevent
32 out-of-home placement have been made.

33 (2) In determining the reasonable services to be offered or
34 provided, the child's health and safety shall be the paramount
35 concerns.

36 (3) (A) *In determining the reasonable services to be offered or*
37 *provided, the case plan shall include information, to the extent*
38 *possible, about a parent's incarceration in a county jail or the*
39 *state prison during the time that a minor child of that parent is*
40 *involved in dependency care. Once a consistent data entry field*

1 or fields have been designated in the statewide child welfare
2 database, social workers shall make reasonable efforts to collect
3 and update necessary data regarding a child's incarcerated parent
4 or parents.

5 (B) In order to further the goals of this paragraph, the
6 Legislature encourages the State Department of Social Services
7 to consult with the county welfare directors regarding the best
8 way to incorporate the information specified in subparagraph (A)
9 as a required field in the statewide database. The Legislature also
10 encourages the Department of Justice, the Department of
11 Corrections and Rehabilitation, county welfare departments, and
12 county sheriffs to develop protocols for facilitating the exchange
13 of information regarding the location and sentencing of the
14 incarcerated parent or parents of a minor child who is in
15 dependency care.

16 (C) Nothing in this paragraph shall be interpreted to require
17 the department to create a new dedicated field in the statewide
18 database for incorporating the information specified in
19 subparagraph (A).

20 ~~(3)~~

21 (4) Reasonable services shall be offered or provided to make it
22 possible for a child to return to a safe home environment, unless,
23 pursuant to subdivisions (b) and (e) of Section 361.5, the court
24 determines that reunification services shall not be provided.

25 ~~(4)~~

26 (5) If reasonable services are not ordered, or are terminated,
27 reasonable efforts shall be made to place the child in a timely
28 manner in accordance with the permanent plan and to complete
29 all steps necessary to finalize the permanent placement of the child.

30 (c) (1) If out-of-home placement is used to attain case plan
31 goals, the decision regarding choice of placement shall be based
32 upon selection of a safe setting that is the least restrictive or most
33 familylike and the most appropriate setting that is available and
34 in close proximity to the parent's home, proximity to the child's
35 school, consistent with the selection of the environment best suited
36 to meet the child's special needs and best interests, or both. The
37 selection shall consider, in order of priority, placement with
38 relatives, tribal members, and foster family, group care, and
39 residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day timeframe for preparing a written case plan.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

1 The child shall be involved in developing the case plan as age and
2 developmentally appropriate.

3 (2) The case plan shall identify specific goals and the
4 appropriateness of the planned services in meeting those goals.

5 (3) The case plan shall identify the original allegations of abuse
6 or neglect, as defined in Article 2.5 (commencing with Section
7 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
8 conditions cited as the basis for declaring the child a dependent of
9 the court pursuant to Section 300, or all of these, and the other
10 precipitating incidents that led to child welfare services
11 intervention.

12 (4) The case plan shall include a description of the schedule of
13 the social worker contacts with the child and the family or other
14 caretakers. The frequency of these contacts shall be in accordance
15 with regulations adopted by the State Department of Social
16 Services. If the child has been placed in foster care out of state,
17 the county social worker or a social worker on the staff of the
18 social services agency in the state in which the child has been
19 placed shall visit the child in a foster family home or the home of
20 a relative, consistent with federal law and in accordance with the
21 department's approved state plan. For children in out-of-state group
22 home facilities, visits shall be conducted at least monthly, pursuant
23 to Section 16516.5. At least once every six months, at the time of
24 a regularly scheduled social worker contact with the foster child,
25 the child's social worker shall inform the child of his or her rights
26 as a foster child, as specified in Section 16001.9. The social worker
27 shall provide the information to the child in a manner appropriate
28 to the age or developmental level of the child.

29 (5) (A) When out-of-home services are used, the frequency of
30 contact between the natural parents or legal guardians and the child
31 shall be specified in the case plan. The frequency of those contacts
32 shall reflect overall case goals, and consider other principles
33 outlined in this section.

34 (B) Information regarding any court-ordered visitation between
35 the child and the natural parents or legal guardians, and the terms
36 and conditions needed to facilitate the visits while protecting the
37 safety of the child, shall be provided to the child's out-of-home
38 caregiver as soon as possible after the court order is made.

39 (6) When out-of-home placement is made, the case plan shall
40 include provisions for the development and maintenance of sibling

relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate

1 enrollment in a new school and to provide all of the child's
2 educational records to the new school.

3 (9) (A) If out-of-home services are used, or if parental rights
4 have been terminated and the case plan is placement for adoption,
5 the case plan shall include a recommendation regarding the
6 appropriateness of unsupervised visitation between the child and
7 any of the child's siblings. This recommendation shall include a
8 statement regarding the child's and the siblings' willingness to
9 participate in unsupervised visitation. If the case plan includes a
10 recommendation for unsupervised sibling visitation, the plan shall
11 also note that information necessary to accomplish this visitation
12 has been provided to the child or to the child's siblings.

13 (B) Information regarding the schedule and frequency of the
14 visits between the child and siblings, as well as any court-ordered
15 terms and conditions needed to facilitate the visits while protecting
16 the safety of the child, shall be provided to the child's out-of-home
17 caregiver as soon as possible after the court order is made.

18 (10) If out-of-home services are used and the goal is
19 reunification, the case plan shall describe the services to be
20 provided to assist in reunification and the services to be provided
21 concurrently to achieve legal permanency if efforts to reunify fail.
22 The plan shall also consider in-state and out-of-state placements,
23 the importance of developing and maintaining sibling relationships
24 pursuant to Section 16002, and the desire and willingness of the
25 caregiver to provide legal permanency for the child if reunification
26 is unsuccessful.

27 (11) If out-of-home services are used, the child has been in care
28 for at least 12 months, and the goal is not adoptive placement, the
29 case plan shall include documentation of the compelling reason
30 or reasons why termination of parental rights is not in the child's
31 best interest. A determination completed or updated within the
32 past 12 months by the department when it is acting as an adoption
33 agency or by a licensed adoption agency that it is unlikely that the
34 child will be adopted, or that one of the conditions described in
35 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
36 be deemed a compelling reason.

37 (12) (A) Parents and legal guardians shall have an opportunity
38 to review the case plan, and to sign it whenever possible, and then
39 shall receive a copy of the plan. In any voluntary service or
40 placement agreement, the parents or legal guardians shall be

1 required to review and sign the case plan. Whenever possible,
2 parents and legal guardians shall participate in the development
3 of the case plan.

4 (B) Parents and legal guardians shall be advised that, pursuant
5 to Section 1228.1 of the Evidence Code, neither their signature on
6 the child welfare services case plan nor their acceptance of any
7 services prescribed in the child welfare services case plan shall
8 constitute an admission of guilt or be used as evidence against the
9 parent or legal guardian in a court of law. However, they shall also
10 be advised that the parent's or guardian's failure to cooperate,
11 except for good cause, in the provision of services specified in the
12 child welfare services case plan may be used in any hearing held
13 pursuant to Section 366.21 or 366.22 as evidence.

14 (13) A child shall be given a meaningful opportunity to
15 participate in the development of the case plan and state his or her
16 preference for foster care placement. A child who is 12 years of
17 age or older and in a permanent placement shall also be given the
18 opportunity to review the case plan, sign the case plan, and receive
19 a copy of the case plan.

20 (14) The case plan shall be included in the court report and shall
21 be considered by the court at the initial hearing and each review
22 hearing. Modifications to the case plan made during the period
23 between review hearings need not be approved by the court if the
24 casework supervisor for that case determines that the modifications
25 further the goals of the plan. If out-of-home services are used with
26 the goal of family reunification, the case plan shall consider and
27 describe the application of subdivision (b) of Section 11203.

28 (15) If the case plan has as its goal for the child a permanent
29 plan of adoption or placement in another permanent home, it shall
30 include a statement of the child's wishes regarding their permanent
31 placement plan and an assessment of those stated wishes. The
32 agency shall also include documentation of the steps the agency
33 is taking to find an adoptive family or other permanent living
34 arrangements for the child; to place the child with an adoptive
35 family, an appropriate and willing relative, a legal guardian, or in
36 another planned permanent living arrangement; and to finalize the
37 adoption or legal guardianship. At a minimum, the documentation
38 shall include child-specific recruitment efforts, such as the use of
39 state, regional, and national adoption exchanges, including

1 electronic exchange systems, when the child has been freed for
2 adoption.

3 (16) (A) When appropriate, for a child who is 16 years of age
4 or older, the case plan shall include a written description of the
5 programs and services that will help the child, consistent with the
6 child's best interests, prepare for the transition from foster care to
7 independent living. The case plan shall be developed with the child
8 and individuals identified as important to the child, and shall
9 include steps the agency is taking to ensure that the child has a
10 connection to a caring adult.

11 (B) *During the 90-day period prior to the participant attaining*
12 *18 years of age or older as the state may elect under Section 475*
13 *(8)(B)(iii)(42 U.S.C. Sec. 675 (8)(B)(iii)) of the federal Social*
14 *Security Act, whether during that period foster care maintenance*
15 *payments are being made on the child's behalf or the child is*
16 *receiving benefits or services under Section 477 (42 U.S.C. Sec.*
17 *677) of the federal Social Security Act, a caseworker or other*
18 *appropriate agency staff or probation officer and other*
19 *representatives of the participant, as appropriate, must address,*
20 *in the written transitional independent living plan, information as*
21 *detailed as the participant elects that shall include, but not be*
22 *limited to, options regarding housing, health insurance, education,*
23 *local opportunities for mentors and continuing support services,*
24 *and workforce supports and employment services.*

25 (g) If the court finds, after considering the case plan, that
26 unsupervised sibling visitation is appropriate and has been
27 consented to, the court shall order that the child or the child's
28 siblings, the child's current caregiver, and the child's prospective
29 adoptive parents, if applicable, be provided with information
30 necessary to accomplish this visitation. This section does not
31 require or prohibit the social worker's facilitation, transportation,
32 or supervision of visits between the child and his or her siblings.

33 (h) The case plan documentation on sibling placements required
34 under this section shall not require modification of existing case
35 plan forms until the Child Welfare Services Case Management
36 System is implemented on a statewide basis.

37 (i) When a child who is 10 years of age or older and who has
38 been in out-of-home placement for six months or longer, the case
39 plan shall include an identification of individuals, other than the
40 child's siblings, who are important to the child and actions

1 necessary to maintain the child's relationship with those
2 individuals, provided that those relationships are in the best interest
3 of the child. The social worker shall ask every child who is 10
4 years of age or older and who has been in out-of-home placement
5 for six months or longer to identify individuals other than the
6 child's siblings who are important to the child, and may ask any
7 other child to provide that information, as appropriate. The social
8 worker shall make efforts to identify other individuals who are
9 important to the child, consistent with the child's best interests.

10 (j) The child's caregiver shall be provided a copy of a plan
11 outlining the child's needs and services.

12 (k) On or before June 30, 2008, the department, in consultation
13 with the County Welfare Directors Association and other
14 advocates, shall develop a comprehensive plan to ensure that 90
15 percent of foster children are visited by their caseworkers on a
16 monthly basis by October 1, 2011, and that the majority of the
17 visits occur in the residence of the child. The plan shall include
18 any data reporting requirements necessary to comply with the
19 provisions of the federal Child and Family Services Improvement
20 Act of 2006 (Public Law 109-288).

21 (l) The implementation and operation of the amendments to
22 subdivision (i) enacted at the 2005–06 Regular Session shall be
23 subject to appropriation through the budget process and by phase,
24 as provided in Section 366.35.

25 *SEC. 10. Section 5.5 of this bill incorporates amendments to*
26 *Section 16119 of the Welfare and Institutions Code proposed by*
27 *both this bill and AB 154. It shall only become operative if (1) both*
28 *bills are enacted and become effective on or before January 1,*
29 *2010, (2) each bill amends Section 16119 of the Welfare and*
30 *Institutions Code, and (3) this bill is enacted after AB 154, in which*
31 *case Section 5 of this bill shall not become operative.*

32 *SEC. 11. Section 9.5 of this bill incorporates amendments to*
33 *Section 16501.1 of the Welfare and Institutions Code proposed by*
34 *both this bill and SB 118. It shall only become operative if (1) both*
35 *bills are enacted and become effective on or before January 1,*
36 *2010, (2) each bill amends Section 16501.1 of the Welfare and*
37 *Institutions Code, and (3) this bill is enacted after SB 118, in which*
38 *case Section 9 of this bill shall not become operative.*

39 *SEC. 12. If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

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